

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

BRANCH BANKING AND TRUST)
COMPANY, successor in)
interest to Colonial Bank)
by acquisition of assets)
from FDIC as Receiver for)
Colonial Bank,)
)
 Plaintiff,)
)
 v.)
)
SYNTELLECT, INC., a)
Delaware corporation,)
)
 Defendant.)

CIVIL ACTION NO.
2:08cv955-MHT
(WO)

JUDGMENT

The court having been informed that this cause is now settled, it is the ORDER, JUDGMENT, and DECREE of the court that this lawsuit is dismissed in its entirety with prejudice, with the parties to bear their own costs and with leave to the parties, within 49 days, to stipulate to a different basis for dismissal or to stipulate to the entry of judgment instead of dismissal, and with leave to any party to file, within 49 days, a motion to have the

dismissal set aside and the case reinstated or the settlement enforced, should the settlement not be consummated.

It is further ORDERED that all pending motions are denied as moot.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DONE, this the 28th day of October, 2010.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE